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8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3552

12 **ROSANNE MARIE LAMOTT**  
315 Young Ct.  
13 Pomona, CA 91766

**A C C U S A T I O N**

14 Pharmacy Technician Registration  
15 No. TCH 33869

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about July 11, 2000, the Board of Pharmacy issued Pharmacy Technician  
23 Registration No. TCH 33869 to Rosanne Marie Lamott (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on October 31, 2011, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 118, subdivision (b) provides that the suspension/expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

6. Section 4301 states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct ... Unprofessional conduct shall include, but is not limited to, any of the following:

....

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

....

(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

....

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

(p) Actions or conduct that would have warranted denial of a license."

7. Health and Safety Code section 11550, subdivision (a) states, in pertinent part:

“No person shall use, or be under the influence of any controlled substance which is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d) or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug classified in Schedule III, IV, or V, except when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances.”

CONTROLLED SUBSTANCE

8. "Methamphetamine," is a Schedule II controlled substance as defined in Health and Safety Code section 11055(d)(2) and is categorized as a dangerous drug pursuant to section 4022.

## REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1770 states, in pertinent part:

“For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.”

## COST RECOVERY

10. Section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

**(Use/Under Influence of a Controlled Substance)**

11. Respondent is subject to disciplinary action under section 4301, subdivision (h) in conjunction with Health and Safety Code section 11550, subdivision (a), and California Code of Regulations, title 16, section 1770, in that Respondent used and/or was under the influence of a controlled substance in a manner as to be dangerous or injurious to herself, or to any other person or to the public.

a. On or about April 1, 2008, Respondent pleaded guilty to violating Health and Safety code section 11550(a) [use/under the influence of controlled substances] in the criminal proceeding entitled *The People of the State of California v. Rosanne Marie Lamott* (Super. Ct. San Bernardino Co., 2008, No. MCH800124). The Court deferred entry of judgment for 18 months pending the court's order that Respondent complete a drug diversion program. The Respondent was also ordered to pay approximately \$300.00 in fees and restitution.

b. The underlying circumstances are that on or about November 27, 2007, during the course of an investigation of a pedestrian by the Chino Police Department, Respondent was contacted by police officers at a Motel 6. The officers smelled a "strong odor of burnt chemicals" emitting from inside the room. Respondent was observed to have a dry mouth and thick speech. Respondent appeared nervous and could not stop fidgeting. Respondent was asked if she was taking any medications and she said she was not. When asked by the police officer, when the last time was that she used any illegal drugs, Respondent admitted that she had smoked "meth" on November 26, 2007 at about 2300 hours and again on November 27, 2007, about four hours prior to the police officer contacting her. Respondent was subsequently arrested for being under the influence of a controlled substance. During the booking procedure, Respondent submitted to a blood test and tested positive for Methamphetamine.

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2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 8/26/10

Virginia Herold  
VIRGINIA HEROLD

Executive Officer

Board of Pharmacy

Department of Consumer Affairs

State of California

*Complainant*

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